IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

THURSDAY, THE 23RD AUGUST 2007 / 1ST BHADRA 1929

WP(C).No. 25274 of 2007(H)

PETITIONER:

THARUN THOMAS, S/O.THOMAS,
NADUYARAPARAMBIL, MUNDAKAYAM P.O.,
KOTTAYAM DISTRICT.

BY ADV. SRI.SUNIL V.MOHAMMED

RESPONDENTS:

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1. THE DISTRICT COLLECTOR, KOTTAYAM.

2. THE DISTRICT SUPPLY OFFICER,
CIVIL SUPPLIES CORPORATION,
KOTTAYAM.

3. THE RATIONING INSPECTOR,
CIVIL SUPPLIES CORPORATION,
MANIMALA FIRKA, KANJIRAPPALLY TALUK
SUPPLY OFFICE, KANJIRAPPALLY, KOTTAYAM DISTRICT.

4. THE SUB INSPECTOR OF POLICE,
MUNDAKAYAM POLICE STATION,
KOTTAYAM DISTRICT.

5. C.K.KUNHUVAVA,
CHALLIYIL, R.P.C(P.O), VANDANPATHAL,
KOTTAYAM DISTRICT.

6. SIRAJ, S/O.C.K.KUNHUVAVA,
CHALLIYIL, R.P.C(PO), VANDANPATHAL,
KOTTAYAM DISTRICT.

R1 TO R4 BY GOVT. PLEADER SRI.I.V.PRAMOD.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 23/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

WP(C) NO. 25274 OF 2007 - H

Dated this the 23rd day of August, 2007

J U D G M E N T

The petitioner's vehicle bearing Registration No.KL-03/E-8991 was seized on allegation of contravention of the provisions of the Essential Commodities Act, 1955 and the Kerala Rationing Order, 1966. The petitioner seeks release of the vehicle. According to him, the articles transported do not belong to him and the petitioner and the driver of the vehicle had taken all possible care and caution to see that the vehicle is not used for any illegal purposes and therefore, the vehicle is not liable to be confiscated.

2. The learned Government Pleader stoutly refutes this contention. According to him, the vehicle has been used for transportation of rationed articles in violation of the Essential Commodities Act and the Kerala Rationing Order and therefore, the vehicle is liable to be confiscated. He also submits that confiscation proceedings are in progress and therefore, the vehicle cannot be released.

3. Having heard both sides, I think that nobody would be benefited by detaining the vehicle further, subjecting it to the vagaries of nature. At the same time, the interest of State can be safeguarded by directing the petitioner to furnish adequate security for the value of the vehicle. In the above circumstances, this writ petition is disposed of with the following directions:-

The District Collector shall get the value of the vehicle assessed by a competent Officer and intimate the petitioner the value so assessed within a period of five working days from the date of receipt of a copy of this judgment and thereafter, the petitioner shall furnish a bank guarantee for the said amount to the satisfaction of the first respondent, on complying which the first respondent shall release the vehicle to the petitioner on furnishing a proof of ownership also. This is subject to

further condition that the petitioner shall not alienate or otherwise part with possession of the vehicle until confiscation proceedings are completed.

S. SIRI JAGAN,
Judge

Mbs/

S.SIRI JAGAN, J

W.P.(C) NO. OF 2001

J U D G M E N T

DATED:01-06-2007